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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,056	01/14/2002	Jason Meyer	76867/20092	3511

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TUCKER, ELLIS & WEST LLP  
1150 HUNTINGTON BUILDING  
925 EUCLID AVENUE  
CLEVELAND, OH 44115-1475

EXAMINER

MENDOZA, ROBERT J

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/047,056

Applicant(s)

MEYER, JASON

Examiner

Robert J Mendoza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jaffe et al. (USPN 6, 517,432).**

Regarding claims 1-3, 8-12 and 17, Jaffe discloses a gaming system comprising means adapted to display an array of symbols selected randomly from a set of symbols, means adapted to pay winnings on any predetermined winning combinations appearing in a portion of the array

carrying a bet wherein the symbols selected randomly are divided into groups of at least one such that the groups are sequentially positioned to complete the array by illustrating in FIG. 1 and disclosing in col. 1:56-67 & col. 2:1-6, a gaming machine comprises a visual display and a game of chance shown on the display. In connection with the game of chance, the visual display shows an array of symbols in visual association with at least one pay line. The array includes a special symbol and a stop-game symbol. The game of chance includes a plurality of game rounds. During each of the game rounds the special symbol and the stop-game symbol randomly move to and stop at new respective positions on the array. The game of chance awards a payout during the round if the symbols along the pay line correspond to a winning game outcome. The game of chance ends in response to the new respective positions on the array during one of the

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game rounds being the same position. The array optionally includes a second special symbol that, during certain ones of the game rounds, also moves to and stops at a new position on the array. In determining whether to award a payout, the array positions containing the special symbols are preferably evaluated as wilds. Jaffe discloses groups having at least two adjacent symbols, and the number and configurations of the symbols in each of the groups are randomly selected and the groups are sequentially positioned in the incomplete array until the array is complete, where after predetermined wildcards symbols are positioned in the remaining portions to complete the array by disclosing in col. 3:52-59 & col. 1:61-66, the CPU 16 uses a random number generator to select a game outcome (e.g., "basic" game outcome) corresponding to a particular set of reel "stop positions." The CPU 16 then causes each of the video reels 30-34 to stop at the appropriate stop position. Video symbols are displayed on the reels 30-34 to graphically illustrate the reel stop positions and indicate whether the stop positions of the reels

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represent a winning game outcome. . The game of chance includes a plurality of game rounds. During each of the game rounds the special symbol and the stop-game symbol randomly move to and stop at new respective positions on the array. The game of chance awards a payout during the round if the symbols along the pay line correspond to a winning game outcome. Jaffe discloses the symbols are displayed on simulated three-dimensional objects by illustrating in FIG. 1, element 12.

Regarding claims 4-7, 13-16 and 18, Jaffe discloses at least one position in the array is designated as having an associated bonus wherein the associated bonus is awarded in any winning combinations which include a symbol situated on any of the designated positions, and the bonuses associated with the designated positions include a set number of free games whereby

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the machine operates without requiring the placement of a wager by disclosing in col. 4:50-58, included among the plurality of basic game outcomes are a plurality of different start-bonus outcomes for starting play of a bonus game. A start-bonus outcome may be defined in any number of ways. For example, a start-bonus outcome occurs when a special start-bonus symbol or a special combination of symbols appears on one or more of the reels 30-34 in any predetermined display position. The appearance of a start-bonus outcome causes the processor to shift operation from the basic game to a bonus game. Jaffe discloses at least one of the groups consists entirely of wildcards, and the wild cards multiply the winnings associated with any of the winning combinations in which they appear by a factor greater than one by disclosing in col. 5:43-67 & col. 6:1-3, During each subsequent bonus round, the CPU randomly selects a destination position for the primary streaker symbol 62 and then randomly selects a destination position for POLICEMAN symbol 64 from among the remaining array positions. The streaker stops at its destination position and hides behind the reel symbol already present at that position. The CPU then evaluates the symbol array for any winning combinations along an active pay line that contain the primary streaker symbol 62 in the combination. The array position containing the primary streaker symbol 62 and the original position of the streaker symbol on the reel 30 serve as wilds during this evaluation. In the example shown in FIGS. 7 and 8, the primary streaker symbol 62 generates the winning combination STRAWBERRY, STRAWBERRY, STRAWBERRY along the pay line 44, where the third STRAWBERRY results from the ORANGE symbol being evaluated as a wild due to the primary streaker symbol 62. According to the pay table, this winning combination generates a bonus game payout of 7 coins multiplied by the line bet if the pay line 44 is active. In the example shown in FIGS. 9 and 10, the primary

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streaker symbol 62 generates the winning combination HOT DOG STAND, HOT DOG STAND, HOT DOG STAND along the pay line 46, where the first HOT DOG STAND results from the BENCH symbol being evaluated as a wild due to the primary streaker symbol 62. According to the pay table, this winning combination generates a bonus game payout of 30 coins multiplied by the line bet if the pay line 46 is active.

### **Response to Arguments**

Applicant's arguments filed 07/22/03 have been fully considered but they are not persuasive. The Applicant argues that Jaffe does not teach the use of constructing the array of symbols by the sequential placement of separate groups of symbols within the array. The Examiner respectfully disagrees. The claim limitations of claims 1 and 10, as currently amended, clearly recite, "symbols selected randomly are divided into groups of at least one symbol such that the groups are sequentially positioned to complete the array". Jaffe, in FIGS. 3-13, illustrates an array created by five columns of three symbols each. The symbols in each reel column are randomly predetermined. Once the symbols in each column have been randomly predetermined, the reel columns sequentially appear on the game screen and create the arrays shown in FIG. 3-13. Therefore, Jaffe does disclose the use of constructing the array of symbols by the sequential placement of separate groups of symbols within the array.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327.

RM

RM  
September 22, 2003

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700